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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**STIPULATION AND ORDER
PROVIDING FOR THE WITHDRAWAL
OF TWELVE HORSES OF NORTH
AMERICA, LLC'S PROOF OF CLAIM
AND THE OBJECTION THERETO AND
VACATING HEARING**

Hearing Date: August 21, 2009
Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The USACM Liquidating Trust ("USACM Trust"), by and through its attorneys, the law
2 firm of Lewis And Roca LLP, and Twelve Horses North America, LLC ("THNA," and together
3 with the USACM Trust, the "Parties"), *pro se*, hereby stipulate and agree as follows:

4 THNA filed proof of claim no. 10725-01173 (the "THNA Claim") in the bankruptcy case
5 of USA Commercial Mortgage Company, case no. BK-S-10725-LBR.

6 The Objection Of USACM Liquidating Trust To Proof Of Claim Of Twelve Horses North
7 America [DE 7219] (the "Objection") was filed with the Court on July 9, 2009, and is scheduled
8 for hearing before this Court on August 21, 2009.

9
10 After receipt of the Objection, THNA and the USACM Trust conferred and have reached
11 the following resolution of the THNA Claim and the Objection.

12 NOW, THEREFORE, the USACM Trust and THNA hereby stipulate and agree as
13 follows:

- 14 1. The THNA Claim is hereby withdrawn;
15 2. The Objection is hereby withdrawn; and
16 3. The hearing on the Objection scheduled for August 21, 2009 may be vacated.
17

18 Respectfully submitted July 20, 2009

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20 LEWIS AND ROCA LLP

TWELVE HORSES NORTH AMERICA,
LLC

21 By: /s/ John Hinderaker
22 Rob Charles
John Hinderaker
23 3993 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169
24 Attorney for USACM Liquidating Trust

By: DAVID LaPlante
David LaPlante

Its: Manager

25 ...

26 ...

ORDER

IT IS SO ORDERED.

PREPARED AND SUBMITTED

LEWIS AND ROCA LLP

By: /s/ John Hinderaker

Rob Charles

John Hinderaker

3993 Howard Hughes Parkway, Suite 600

Las Vegas, Nevada 89169

Attorney for USACM Liquidating Trust

APPROVED AS TO FORM:

TWELVE HORSES NORTH AMERICA, LLC

By: 

David LaPlante

Its: Manager

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